

REMARKS

Claims 1-8 and 12 are pending in this application, with claim 1 being independent. Favorable reconsideration of the application in light of the following comments is respectfully solicited.

Claim Rejections – 35 U.S.C. § 112

Claims 1-8 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the instant application fails to describe the ID of the LSI device as being an inherent ID. Applicants disagree.

The term “inherent ID” is supported by the specification and figures of the instant application. Specifically, FIG. 1 of the instant application shows a register for storing an inherent ID in a private key arithmetic processing section 20 of a secure LSI device 1. Also, paragraphs [37, 58] of the instant application provide explicit support for the term “inherent ID” of the LSI device. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections – 35 U.S.C. § 103

Claims 1 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 7,110,984 (“Spagna”) in view of U.S. Patent Number 6,970,565 (“Rindsberg”). Claims 2, 4, 6, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagna in view of Rindsberg, and further in view of U.S. Patent Number 6,577,734 (“Etsel”). Claims 3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagna in view of Rindsberg and Etsel, and further in view of U.S. Patent Application Publication Number 2002/0116632 (“Itoh”). Applicants respectfully traverse these rejections because the cited prior

art, at a minimum, does not appear to describe or suggest a method for updating a program in a system including an LSI device and an external memory, the method including, among other steps, steps of determining by the server whether or not the update object program may be transmitted based on the *transmitted inherent ID* and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, as recited in claim 1 (emphasis added).

In response, the Office Action asserts that the claims do not recite the above-recited feature. *See e.g.*, Office Action at page 2, lines 8-13. To this end, the Office Action asserts that claim 1 recites “two determining steps: the first one is to determine whether or not the update object program. . . may be transmitted based on device ID and application ID and another step of determining whether or not program update is possible based on the transmitted additional information.” Office Action at page 2, lines 13-16. Applicants disagree. Referring to claim 1, it specifically states a step of “determining by the server whether or not the update object program may be transmitted based on the *transmitted inherent ID* and application ID.” Request for Reconsideration at page 2, lines 7-10.

Spagna does not appear to describe a step of determining by the server whether or not the update object program may be transmitted based on the *transmitted inherent ID* and application ID, as recited in claim 1. In the instant application, an “inherent ID” is inherent to the LSI device, however, Spagna merely discloses a “content ID,” which is not inherent to the LSI device. The Office Action indicates that “identification of the End-User Device(s) 109” disclosed at column 48, line 40 of Spagna corresponds to the “inherent ID” recited in claim 1. Applicants respectfully disagree and submit that the “inherent ID” of the instant application is

different for every device, and is required and used for generating an inherent key and encrypting a program. The "inherent ID" is not a mere ID as disclosed in Spagna.

Accordingly, Spagna fails to describe or suggest a method for updating a program in a system including an LSI device and an external memory, the method including, among other steps, steps of determining by the server whether or not the update object program may be transmitted based on the transmitted inherent ID and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, as recited in claim 1 (emphasis added).

Rindsberg was relied upon for an alleged showing of re-encrypting by the system the raw program with an inherent key unique to the LSI device. *See e.g.*, Office Action at page 6, lines 4-6. As such, Applicants do not believe that the proposed addition of subject matter from Rindsberg remedy the shortcomings of Spagna to describe or suggest the above-recited features of claim 1. Nevertheless and in reviewing Rindsberg, it is noted that it relates to an apparatus for and a method of securely downloading and installing a program in a device. Rindsberg at Abstract. Each processing device is assigned a unique key during manufacturing and has a knowledge of a shared key. *Id.* The program is encrypted using the shared key and transmitted to each device. *Id.* The program is decrypted and re-encrypted using the unique key. *Id.* The re-encrypted program is then stored for later execution by the device. *Id.* Apparently, by using at least a two key encryption process, the program is securely downloaded, stored, and installed on each of the processing devices. Rindsberg at col. 8, lines 63-65.

Although Rindsberg appears to describe a step of transmitting an encrypted program, using a shared key, to all of the devices, it does not appear to describe how this transmission is performed. Specifically, Rindsberg does not appear to describes steps of determining by the

server whether or not the update object program may be transmitted based on the *transmitted inherent ID* and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, as recited in claim 1 (emphasis added). Rather, Rindsberg simply states that the encrypted program is transmitted to all devices without specifying a criteria for such transmission. *See e.g.*, Rindsberg at col. 7, line 54 to col. 8, line 11 (stating the encrypted program is transmitted to all devices intended to receive updated patch).

Accordingly, Rindsberg does not appear to remedy the shortcomings of Spagna to describe or suggest a method for updating a program in a system including an LSI device and an external memory, the method including, among other steps, steps of determining by the server whether or not the update object program may be transmitted based on the *transmitted inherent ID* and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, as recited in claim 1 (emphasis added).

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1, along with its dependent claims.

Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Because claim 1 is allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also allowable. In

addition, it is respectfully submitted that the dependent claims are allowable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

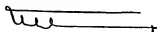
Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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